IN THE HIGH COURT OF UTTARAKHAND AT NAINIAL.

Writ Petition No. 956(SS) 2007

Smt. Prabha Bisht W/o Sri Chhatrapal Singh Bisht,
Assistant Teacher, Primary School, Railway Lalkuan,
Haldwani, District Nainital. --------Petitioner.

Vs.

1. State of Uttarakhand through its Secretary,
   School Education, Dehradun,
2. Director, School Education, Sate of Uttarakhand,
   Tehri Garhwal,
3. Addl. District Education Officer, (Basic),
   Nainital.
4. District Education Officer, Nainital. -----Respondents.

Sri Siddhartha Bisht, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for respondents.

Hon'ble M.M Ghildiyal, J.

Heard Sri Siddhartha Bisht, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the state of Uttarakhand/respondents.

By means of this writ petition, the petitioner has challenged the impugned transfer order dated 05.06.2007 (annexure no.1, so far as it relates to the petitioner) passed by respondents no.3 by which the petitioner has been transferred from Primary School, Railway, Lalkuan, Haldwani, District Nainital to Primary School, Malla Khairali, Betalghat, District Nainital.

The transfer order has been challenged on various grounds such as; the petitioner has joined present place of her posting vide order dated 15.12.2006 i.e. only 6 months earlier and within a short span of six months she has again been

transferred; that other Teachers who are staying in the Institution since long have not been transferred whereas; the petitioner who has a short stay in the present Institution has been transferred; that the husband of the petitioner is a Govt. servant and as per the policy adopted by the Govt. the wife and husband should be placed, if possible at one place or to a nearby place; that the petitioner have three children and nobody is there to look after them in case the petitioner and her husband are posted at distance places and lastly the petitioner has already served in dis-comfortable and most dis-comfortable areas for a considerable period whereas the other Teachers posted in very Institution since long have not served in such Durgam areas during their whole tenure.

So far the ground of service in the dis-comfortable or most dis-comfortable areas is concerned, the State Government has yet not decided as to which of the place/ region of the State is to be classified as Durgam, Ati Durgam and Sugam place. So far the ground for accommodating husband and wife at one place is concerned, the policy is to be adopted as far as it is possible.

In this regard, the petitioner, raising all her grievances, has already moved representation (annexure no.6 to the writ petition) before respondents no.3 i.e. Addl. District Education Officer (Basic), Nainital on 15.07.2007 which is still pending before him.

In these circumstances, the respondent no.3 is directed to take decision on the representation of the petitioner dated 15.07.2007 pending before him, which contains as annexure no. 6 to the writ petition within a period of 10 days from the date of

production of a certified copy of this order. While deciding the representation, the Addl. District Education Officer (Basic), Nainital shall record findings on each and every aspect on the issues raised in the representation. The petitioner is directed to produce a certified copy of this order before respondent no.3 within a week.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 25, 2007:
NCM: